IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 2788 of 2007(F)

PETITIONER:

UNNIMADHAVAN,
19/1142, ODATHINKAL HOUSE, PALLURUTHY,
COCHIN-6.

BY ADV. SRI.K.JAJU BABU.

RESPONDENT:

THE ADDITIONAL REGISTERING AUTHORITY/SUB REGIONAL TRANSPORT OFFICER, MATTANCHERRY, ERNAKULAM DISTRICT.

BY SR. GOVERNMENT PLEADER SMT. M.K. PUSHPALATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/04/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.2788/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CLEARANCE CERTIFICATE ISSUED TO THE PETITIONER VIDE NO. 37191/2006 DTD. 05/12/06 BY THE RESPONDENT.

EXT.P.2: COPY OF THE ORDER NO. 43/291/00/2006 DTD. 11/01/07 ISSUED BY THE RESPONDENT.

EXT.P.3: COPY OF THE JUDGEMENT DTD. 26/09/05 IN W.P.(C). 16047/05 OF THIS HON'BLE COURT.

RESPONDENT'S EXHIBITS: - NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR,J.

WP(C)NO.2788 OF 2007-F

Judgment

The petitioner purchased an educational institution bus with Registration No.KL-10/A-7258. He applied for permission to modify the said vehicle as a generator van. The said application was rejected by Ext.P2 on the ground that such an alteration is prohibited by Section 52(1) of the Motor Vehicles Act 1988. The petitioner submits, the point raised by him is covered by the decision of this Court in OP No.2637/03 and also Ext.P3 Judgment of this Court in Writ Petition (C) No.16047/05 and connected cases.

2. The respondent has filed a counter affidavit, reiterating the stand taken by it in Ext.P2. Heard. The case dealt with in Writ Petition (C) No.2637/03 relates to a stage carriage. Ext.P3 judgment also dealt with a stage carriage. But, I think, the same will not have any bearing in the present case. In this case, the body of the vehicle is built as a passenger vehicle and it is used as an educational institution bus. So, by the present conversion sought, only the body of the vehicle is modified and not the chassis. Therefore, the principles laid down by this Court in the above cases will be applicable to this case also. Accordingly, Ext.P3 is quashed. The respondent is directed to allow the conversion sought by the petitioner. But, the vehicle shall be operated, only after getting the fitness certificate from the competent authority and the taxation officer will be free to

classify the altered vehicle for the purpose of taxation.

The Writ Petition is disposed of as above.

10.04.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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